

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-17 and 21-23 are pending in the application, with claims 1, 13, and 21 being independent. Claims 1, 13, and 21 are amended herein. Support the claim amendments can be found in the original specification as filed at least at paragraphs [0019] and [0021], and FIGS. 1-5. No new matter has been added.

Information Disclosure Statement

The Office Action indicates that the two U.S. patent applications listed on the March 4, 2004 Information Disclosure Statement (IDS) “will not be initialed by the examiner because applicant has not complied with 37 CFR 1.98(a)(2)(iii) since applicant has not provided a copy of the (1) specification, (2) claims, and (3) drawings of the application(s).”

Contrary to this statement in the Office Action, copies of the cited pending applications, specification, claims, and drawings were provided along with the March 4, 2004 Information Disclosure Statement, as evidenced by (1) the attached copy of the date stamped postcard receipt indicating that the submission included the references cited in the IDS, and (2) the fact that the cited applications, including the specification, claims, and drawings, are present in the PAIR filewrapper for the subject application as “NPL Documents.” Moreover, the USPTO has waived the copy requirement for pending U.S. applications stored in the USPTO’s image file wrapper system. (See attached announcement entitled “Waiver of the Copy Requirement in 37 C.F.R. 1.98 for Cited Pending U.S. Patent Applications.”)

Accordingly, Applicant requests that the PTO-1449 form from the March 4, 2004 IDS be initialed and returned, indicating that the listed U.S. applications have been considered.

§ 102 Rejection

Claims 1, 5, 7, 8, and 10-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,098,250 (Katz). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, independent claims 1 and 13 are amended herein for clarification.

Independent claim 1 as presently presented recites, among other things, “a body constructed of metal, and having a plurality of mounting apertures therethrough lying in a common plane” and “at least two lines, each line being attached to a different one of the mounting apertures.”

Katz is directed to a fastening device or belt comprising a strip of colored plastic molded in a desired shape with one surface being substantially flat. At both ends of the strip are plural loops. Katz discloses at column 2, lines 41 and 42, that the strap “may be fabricated from many different plastics and elastomers,” and names polyurethane and vinyl plastics as several specific materials. However, Katz fails to disclose or suggest “a body constructed of metal,” as presently recited in independent claim 1. In addition, Katz fails to disclose or suggest “at least two lines, each line being attached to a different one of the mounting apertures,” as also presently recited in independent claim 1. Accordingly, claim 1 is allowable over Katz for at least these reasons.

Independent claim 13 as presently presented recites, among other things, that “each of the multiple lines is connected to separate securing means, the mounting means further

comprising recesses disposed between the multiple mounting means for providing an area around which the lines can be secured to the mounting means.”

As discussed above, Katz discloses a fastening device or belt comprising a strip of colored plastic with a plurality of loops at each end. However, Katz fails to disclose or suggest that “each of the multiple lines is connected to separate securing means,” as presently recited in independent claim 13. In fact, Katz never discloses connecting any lines to the fastening device, let alone multiple lines each being connected to separate securing means. Accordingly, claim 13 is also allowable over Katz.

Dependent claims 2-5, 7, 8, 1-2, and 14-17 depend from one of independent claims 1 and 13, and each is allowable by virtue of its dependency from the respective base claim, as well as for the additional features that it recites.

§ 103 Rejections

Claims 6 and 21-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Katz in view of U.S. Patent No. 4,101,114 (Martin et al.). This rejection is respectfully traversed.

Dependent claim 6 depends from independent claim 1 and, therefore, includes all of the features of that base claim.

Martin et al. was cited for its alleged teaching that “a line pulling device may have releasable hook and loop attachment means between the body and the object being attached.” Assuming, for the sake of argument, that Katz and Martin et al. can even be combined as suggested in the Office Action, Martin et al. still fails to remedy the deficiencies in Katz discussed above with respect to independent claim 1. In particular, Martin et al. fails to teach or

suggest “a body constructed of metal” and “at least two lines, each line being attached to a different one of the mounting apertures,” as presently recited in independent claim 1. Accordingly claim 6 is allowable by virtue of its dependency from independent claim 1.

In addition, dependent claim 6 recites that “the attachment member comprises a hook having a loop attached to the end of the body.” The Office Action asserts on page 3 that this feature is taught by Martin et al. However, the Office Action fails to point to any portion of Martin et al. for these alleged teachings. Nor does Martin et al. appear to disclose any element that could be said to correspond to the claimed “attachment member compris[ing] a hook having a loop attached to the end of the body” of claim 6. Accordingly, claim 6 is allowable for at least these additional reasons.

Independent claim 21 as presently presented recites, among other things, “an undulated body constructed of metal, and having a plurality of expanded mounting apertures along the length of the body for receiving line” and “an attachment member ... comprising a loop at one end thereof ... and a hook disposed at an opposed end thereof for releasably coupling the attachment member to a fish tape.” These features are lacking from the cited documents.

As discussed above, Katz discloses a fastening device or belt comprising a strip of colored plastic with a plurality of loops at each end. However, Katz fails to disclose or suggest “an undulated body constructed of metal” and “an attachment member ... comprising a loop at one end thereof ... and a hook disposed at an opposed end thereof for releasably coupling the attachment member to a fish tape.”

Martin et al. is directed to a cable pulling system including a plurality of slings 17, 21, 26, 28 of different lengths mounted on a swivel connector 18 (col. 1, lines 51-55). However, Martin et al. fails to remedy the deficiencies in Katz note above with respect to independent

claim 21. In particular, Martin et al. fails to teach or suggest “an undulated body constructed of metal.” The slings and swivel connector of Martin et al. cannot be said to be an undulated body constructed of metal. Martin et al. also fails to teach or suggest “an attachment member ... comprising a loop at one end thereof ... and a hook disposed at an opposed end thereof for releasably coupling the attachment member to a fish tape.” Rather, at one end Martin et al. discloses that the swivel connector 18 has a connector pin 32, while at the other end, the sling 17 is provided with a shackle 16. None of these components of Martin et al. can be said to be “a hook disposed at an opposed end thereof for releasably coupling the attachment member to a fish tape,” as recited in claim 21.

For at least the foregoing reasons claim 21 is allowable over Katz and Martin et al., whether taken alone or in combination (assuming, for the sake of argument, that Katz and Martin et al. can even be combined as suggested in the Office Action).

Dependent claims 22 and 23 depend from independent claim 21, and are allowable by virtue of this dependency, as well as for the additional features that each recites.

For example, **dependent claim 23** recites “a plurality of lines extending through respective ones of the plurality of mounting apertures, the lines being folded through the mounting apertures and secured to the recesses of the body by tape.” As discussed above, Katz fails to disclose or suggest connecting any lines to the fastening device, let alone “a plurality of lines extending through respective ones of the plurality of mounting apertures, the lines being folded through the mounting apertures and secured to the recesses of the body by tape,” as recited in claim 23. While Martin et al. discloses pulling a plurality of electrical cables, there is no teaching or suggestion that the lines “extend[] through respective ones of the plurality of mounting apertures” and are “folded through the mounting apertures and secured to the recesses

of the body by tape,” as recited in claim 23. Rather, in Martin et al. slings are connected to “an eye socket adapted to be threaded onto a sleeve with a cable end fitting tightly therethrough” (col. 1, lines 53-57). Accordingly, claim 23 is allowable for at least these additional reasons.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over Woelkers in view of U.S. Patent No. 6,193,217 B1 (Zimmer). It appears from the Office Action that this rejection is actually based on Katz in view of Zimmer, and Applicant has treated it as such. This rejection is respectfully traversed.

Dependent claim 9 depends from independent claim 1 and, therefore, includes all of the features of that claim.

Zimmer was cited for its alleged teaching that “an object may be releasably secured to the aperture by tape.” Assuming for the sake of argument that the documents can even be combined as suggested in the Office Action, Zimmer still fails to remedy the deficiencies in Katz discussed above with respect to independent claim 1. In particular, Zimmer fails to teach or suggest “a body constructed of metal,” as presently recited in independent claim 1. Rather, Zimmer teaches a cable puller 10 that includes a flat plate 12 formed of a dielectric, plastic material. Accordingly, claim 9 is allowable by virtue of its dependency from independent claim 1, as well as for the additional features that it recites.

Conclusion

Reconsideration and withdrawal of the rejections and an early notice of allowance are respectfully requested. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

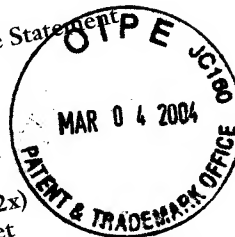
Date: October 2, 2006

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S.N. 10/727,404 Docket No. 030614
Title: Recovery Line Puller

The PTO acknowledges, and has stamped hereon,
the date of receipt of the below items, which were
mailed 3-4-04

- ☐ New Pat. Appl. Tran.
(Utility, Design, CPA, PROV.)
- ☐ Fee Transmittal (2x)
- ☐ Transmittal Letter
- ☐ PCT Request and fee calc. sheet
- ☐ PCT Chapter 2 Demand
- ☐ Specification
- ☐ _____ sheets of informal drawings
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Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications

37 CFR 1.98 requires that for each cited pending U.S. patent application, an information disclosure statement (IDS) include a legible copy of the application specification, including the claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims, directed to that portion. See 37 CFR 1.98(a)(2)(iii).

The United States Patent and Trademark Office (USPTO) has been scanning newly filed patent applications and the existing inventory of patent applications into USPTO's Image File Wrapper (IFW) system since June of 2003. See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form, 1271 Off. Gaz. Pat. Office 100 (June 17, 2003). Applications stored in the IFW system may be viewed by examiners on their desktop computers. Consequently, there is no longer a need to require a copy of the specification, including claims, and drawings of a U.S. patent application (or portion of the application) listed on an IDS when the cited application is stored in the USPTO's IFW system, and can be readily viewed by examiners, applicants and members of the public.

Therefore, the requirement in 37 CFR 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system. See 37 CFR 1.183. This waiver is effective immediately.

Applications filed under 35 U.S.C. § 111 on or after June 30, 2003, and international applications that have entered the national stage on or after June 30, 2003, have been or are being scanned into the USPTO's IFW system. When citing to a pending application filed under 35 U.S.C. § 111 before June 30, 2003, or that entered the national stage before June 30, 2003, the applicant may check the private Patent Application Information Retrieval (PAIR) System to see whether the application is stored in the USPTO's IFW system in order to determine if a copy of the application (or portion of the application) is required to be provided with an IDS. The private PAIR System can be accessed over the Office's Internet Web site (www.uspto.gov).

When citing to a pending U.S. patent application that has been published under 35 U.S.C. § 122(b) (eighteen-month publication), the USPTO prefers that the citation be to the patent application publication (by publication number) rather than to the application itself (by application number).

This waiver is limited to the specification, including the claims, and drawings in the U.S. application (or portion of the application). If material other than the specification, including the claims, and drawings in the file of a U.S. patent application is being cited in an IDS, the IDS must contain a legible copy of such material. See 37 CFR 1.98(a)(1)(iv).

Inquiries concerning this notice may be directed to Jeanne M. Clark, Senior Legal Advisor,
Office of Patent Legal Administration, at (703) 306-5603.

/s/

Stephen G. Kunin
Deputy Commissioner
for Patent Examination Policy

September 21, 2004